

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FRANCISCO VIDAL,  
Plaintiff,  
vs.  
NEVADA BOARD OF PARO  
COMMISSIONERS, *et al.*,  
Defendant

Case No. 2:19-cv-01368-GMN-VCF

## ORDER

MOTION TO EXTEND TIME TO FILE  
AMENDED COMPLAINT [ECF NO. 9]

Before the Court is *pro se* plaintiff Francisco Vidal’s motion to extend time to amend. (ECF No. 9). On September 6, 2019, the Court granted Vidal’s application to proceed *in forma pauperis*. (ECF No. 6). The Court dismissed plaintiff’s complaint without prejudice. (*Id.* at 6). The Court found that each of plaintiff’s counts failed to state a claim. (*Id.* at 2-5). The Court also opined that plaintiff’s challenge to his parole revocation proceeding which led to his current confinement is a challenge to his “continuing confinement” which can only be addressed by a *habeas corpus* petition. (*Id.* at 4, citing to *Butterfield v. Bail*, 120 F.3d 1023, 1024 (9th Cir. 1997)). The Court gave plaintiff until October 7, 2019 to file an amended complaint. (*Id.* at 6). On September 27, 2019 the plaintiff filed the instant motion, informing the Court that he has filed a *habeas corpus* petition and seeking an extension of time to file his amended complaint. (ECF No. 5). This is the first extension of time requested by plaintiff in the above-captioned matter.

## ACCORDINGLY,

IT IS ORDERED that plaintiff Francisco Vidal's motion to extend time to amend (ECF No. 9) is GRANTED. Plaintiff shall have until **Thursday, November 7, 2019** to file his amended complaint.

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**NOTICE**

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Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
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recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk  
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of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
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may determine that an appeal has been waived due to the failure to file objections within the specified  
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time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
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objections within the specified time and (2) failure to properly address and brief the objectionable issues  
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waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
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District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
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*Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of  
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any change of address. The notification must include proof of service upon each opposing party's  
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attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this  
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rule may result in dismissal of the action.

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IT IS SO ORDERED.

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DATED this 8th day of October 2019.

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CAM FERENBACH  
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UNITED STATES MAGISTRATE JUDGE  
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